IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 74 of 2000()

CRA.260/1997 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
C.C.70/96 OF JFCM-II, CHENGANNUR.

.....

REVN. PETITIONER: APPELLANT/ACCUSED

VISWANATHAN
S/O.MADHAVAN
ABHILASH BHAVANAM (MAVINAL KUTTIYIL)
THONAKKADU MURI
PULIYOOR VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.K.S.SREEKUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

STATE OF KERALA REPRESENTED BY THE EXCISE INSPECTOR
CHENGANNUR RANGE
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.74/2000

ORDER ON CRL.M.P.NO.5546/2000 IN CRL.M.P.NO.333/2000
IN CRL.R.P.NO.74/2000

DISMISSED

19.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.74 of 2000

Dated this the 19th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 55(a) of the Abkari Act and sentenced to pay a fine of Rs.25,000/- and in default, to undergo simple imprisonment for three months.

2. The prosecution case is that on 10.2.1996 at 4.30 p.m., the preventive officer and excise party while they were on patrol duty found the accused transporting 5 litre of illicit arrack. The evidence adduced in the matter consisted the testimony of PWs' 1 to 5, Exts. P1 to P4 and MO1. PWs' 2 and 5, the preventive officers who were in the detecting squad has stated that the accused escaped on seeing them after leaving the kannas behind. The sample was sent for chemical analysis and Ext. P2 report of the chemical analysis shows that it is illicit liquor. PW1, is the Excise Inspector who conducted the investigation. PWs' 3 and 4, the independent witnesses turned hostile. PWs' 2 and 5, the preventive officers, have deposed

uniformly as to the apprehension of the accused and their version contained no material discrepancies. In the circumstances, I find no reasons to deviate from the findings of the courts below. The conviction is confirmed. Rs.25,000/- is the minimum fine amount stipulated by the statute. In the circumstances, I find no interference is required in the matter. The revision petitioner is granted two months' time to remit the fine amount.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl